

Article 3

LOT SPLITS

Sections:

- 3-1. Objective
- 3-2. Authorization for Approval of Lot Splits
- 3-3. Application Procedure
- 3-4. Approval Guidelines
- 3-5. Staff Review and Action
- 3-6. Savings Clause

Section 3-1. Objective

- 3-1.01 The objective of this article is to provide for the division of a tract or parcel of land into not more than two (2) tracts or parcels which meet the minimum size and area requirements of the zoning district in which said tracts or parcels are located without having to comply with the platting requirements described in Article 2 of these Subdivision Regulations. The new tracts, parcels or remainder tract cannot, thereafter, be further subdivided without platting.

Section 3-2. Authorization for Approval of Lot Splits

- 3-2.01 The Planning Director is hereby authorized to approve or disapprove lot splits in accordance with the provisions of this article. Appeals from a decision made by the Planning Director must be filed with the Board of County Commissioners within thirty (30) days of the Planning Director's decision.

Section 3-3. Application Procedure

- 3-3.01 Requests for lot splits shall be made by the owner(s) of the land, or their authorized agent or representative, on an application form provided by the County Planning and Building Office. The application shall include four (4) copies of a Certificate of Survey prepared by a licensed surveyor, showing the boundaries, dimensions and description of all parcels or tracts included within the lot split. Upon approval of the lot split, the original of said Certificate of Survey shall be recorded in the Register of Deeds Office. If said original exceeds 11 x 17 inches in size, the Certificate of Survey shall be submitted on tracing cloth, mylar, vellum or other permanent reproducible transparency material.

Section 3-4. Approval Guidelines

- 3-4.01 The division of tracts or parcels pursuant to this section shall comply with applicable zoning laws, these Subdivision Regulations, and all other applicable regulations. No lot split shall be approved if one of the following applies:
 - A. A new street or alley is needed or proposed.
 - B. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.

- C. If such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.), or will interfere with maintaining existing service levels (e.g., additional curb cuts, re-paving, etc.).
- D. There is less street or road right-of-way than required by these Subdivision Regulations unless such dedication can be made by separate instrument.
- E. Any easement requirements have not been satisfied.
- F. If such a split will result in a parcel or tract without direct access to a public road.
- G. A substandard size lot or parcel will be created according to these Subdivision Regulations and the Franklin County Zoning Regulations, except where a lot split will result in the substandard-sized portion being recombined with an abutting lot or parcel to produce a standard size lot, and where this recombination is duly filed and recorded with the Register of Deeds of Franklin County.
- H. If such a split or division would create a parcel less than 20 acres in size except as otherwise by the County Regulations unless:
 - a. A statement has been provided from the affected Rural Water District that the District has the capabilities to serve public water to any tract created and that such service is available and/or identify the improvements necessary to make water available or,
 - b. A geological report where public water is not available, with sufficient data to indicate the presences of a ground water supply adequate to serve the domestic needs of each tract in accordance with the standards and requirements of the Franklin County Sanitation Code.

3-4.02 The Planning Director may make such additional requirements as deemed necessary to carry out the intent and purposes of existing land development regulations and policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

Section 3-5. Staff Review and Action

3-5.01 The Planning Director shall, in writing, either approve with or without conditions, or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Planning Director shall sign the following certificate of approval as required on the lot split plat or survey:

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)

ss

FRANKLIN COUNTY)

I hereby certify that this lot split has been examined and found to comply with the Subdivision Regulations of Franklin County, Kansas, and is, therefore, approved for recording.

Signed this _____ day of _____, _____.

(Name) Planning Director

3-5.02 Filing of Lot Splits: The original of any lot split shall be filed with the Franklin County Register of Deeds only after approval as required by these Subdivision Regulations. These include:

- A. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property; and
- B. Payment of the filing fee.

Section 3-6. Savings Clause

3-6.01 Nothing in this article shall be in conflict with K.S.A. 79-405 et. seq.

Article 4

BOUNDARY LINE ADJUSTMENTS AND MERGERS

Sections:

- 4-1. Objective
- 4-2. Authorization for Approval
- 4-3. Application Procedure
- 4-4. Approval Guidelines
- 4-5. Staff Review and Action

Section 4-1. Objective

- 4-1.01 The objective of this article is to provide for the adjustment of boundaries or the merger of previously unplatted tracts or parcels without having to comply with platting requirements as set forth in Article 2 of these Subdivision Regulations.

Section 4-2. Authorization for Approval

- 4-2.01 The Planning Director is hereby authorized to approve or disapprove the adjustment of one (1) or more common boundaries between existing unplatted tract, parcels or the merger of two (2) or more existing unplatted tracts or parcels, provided that the resulting tracts or parcels are in compliance with all applicable regulations or where a non-conforming tract or parcel exists, the non-conforming lot, tract or parcel is not made more non-conforming. Appeals from a decision made by the Planning Director must be filed with the Board of County Commissioners within thirty (30) days of the Planning Director's decision.

Section 4-3. Application Procedure

- 4-3.01 A written application for a boundary line adjustment or merger shall be made by the owner(s) of the land, or their authorized agent or representative, on an application form provided by the Planning and Building Department. Each application shall be submitted with four (4) copies of a Certificate of Survey prepared by a licensed land surveyor, showing the boundaries, dimensions and descriptions of all parcels or tracts included within the boundary line adjustment or merger. Upon approval of the boundary line adjustment or merger, the original of said Certificate of Survey shall be recorded in the Register of Deeds Office. It is recommended that at a scale which will allow the lot split survey to be placed upon legal paper (11" x 17") and shall contain the following information:
 - A. Location of existing tracts or parcels as related to the nearest existing road.
 - B. Location of existing easements and utilities.
 - C. Dimensions of all existing structures and their locations with respect to the existing lot lines.
 - D. Signature of the property owner(s).
 - E. Legal description(s) of the property(ies).

Section 4-4. Approval Guidelines

4-4.01 The adjustment of the common property boundaries between two (2) or more existing tracts or parcels and the merger of two (2) or more tracts or parcels shall comply with all applicable Zoning and Subdivision Regulations except as provided in Section 4-2.01 of these Subdivision Regulations. Boundary line adjustment or merger shall not be approved where any of the following applies:

- A. A new street, road or alley is required except that additional easements or right-of-way be required for existing streets, roads or alleys.
- B. There is less street or road right-of-way than required by the County unless such dedications can be made by separate instrument.
- C. Any holders of easements have not consented to the relocation or abandonment of the easement.
- D. If such a boundary line adjustment or merger will result in a parcel or tract without direct access to a public road or street.
- E. A substandard size tract or parcel would be created according to these Subdivision Regulations and the Franklin County Zoning Regulations, except where a boundary line adjustment will result in the substandard-sized portion being recombined with an abutting lot or parcel to produce a lesser substandard size lot, and where this recombination is duly filed and recorded with the Register of Deeds of Franklin County.

Section 4-5. Staff Review and Action

4-5.01 The Planning Director shall in writing, either approve with or without conditions, or disapprove the boundary line adjustment or merger within thirty (30) days of application. If approved, and after any conditions have been met, the Planning Director shall sign the following certificate of approval as required on the Certificate of Survey.

CERTIFICATE OF APPROVAL

STATE OF KANSAS)

ss

FRANKLIN COUNTY)

I hereby certify that this Certificate of Boundary Line Adjustment or Merger has been examined and found to comply with the Subdivision Regulations of Franklin County, Kansas, and is, therefore, approved for recording.

Signed this _____ day of _____, _____.

(Name) Planning Director

4-5.02 Filing of Boundary Line Adjustments or Mergers: The original of any boundary line adjustment or merger shall be filed with the Franklin County Register of Deeds only after approval as required by these Subdivision Regulations. These include:

- A. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property;
and
- B. Payment of the filing fee.